

Remarks

Applicants appreciate the considered and thorough examination given to their application for a patent as reflected by the Official Action of August 23. In response however, and pursuant to the provisions of 35 U.S.C. § 132, Applicants persist in their application for a patent and seek allowance of their claims in light of the amendments presented herein.

With respect to the drawing objections, the inclined cleaner of Figure 2 has been deleted for the reason that the cleaner 70 of applicant's invention is a substitute for the cleaner 20 of the typical gin system. However, the lint cleaners 24 were not deleted because they may continue to be used in those instances in which the raw seed cotton is particularly trashy. See Specification, page 2, line 12 +.

On belief, this amendment has made each of the suggested changes to the specification and the outstanding objections are thus overcome except for the objection of lack of antecedent support of two phrases in the preamble of claim 1. Applicants' respectfully submit that such support is not required for the preamble whose function is to set for the background of the invention. On belief, however, the remaining objections to the claims as well as the rejections based on 35 U.S.C. § 112 have been overcome by the amendments set forth herein.

Applicants respectfully submit that the changes required to meet the objections of form, and lack of antecedent support, are also sufficient to overcome the rejections based on prior art under 35 U.S.C. §§ 102 and 103. For example, the rejections under 35 U.S.C. § 102 are no longer applicable because the cited references, Sims and Struen, do not disclose "every limitation" now recited in the claims as amended. Such is a requirement of law. As stated in *Gechter v. Davidson*, 116 F.3d 1454, 1457 (Fed. Cir. 1997) at page 1457:

Under 35 U.S.C. § 102, every limitation of a claim must identically appear in a single prior art reference for it to anticipate the claim.

Gechter v. Davidson, 116 F.3d 1454, 1457 (Fed. Cir. 1997). See also *In re Bond*, 910 F.2d 831, 832 (Fed. Cir. 1990); *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.* 868 F.2d 1251, 1255 (Fed. Cir. 1989).

For example, the Sims reference, relied upon in the first rejection, does not disclose the cleaner limitations of Claim 1, *i.e.*,

a cleaner having a plurality of cylinders for dragging the seed cotton across associated grid bars for separating trash from the raw cotton;

More importantly, the Examiner's reliance upon the 1940 Sims reference is not appropriate in the first instance. Indeed, that reliance is premised upon a strained interpretation that concludes that an "outlet pipe" 20 and a fixed separator screen 21 constitutes an effective "cleaner" of the seed cotton. Hardly so! Instead, it clearly appears that the seed cotton, which also traverses the screen 21, will have the effect of holding or blocking access of much of the trash from screen—and severely limit its effectiveness as a cleaner. Thus, while the screen might accept some of the trash from the cotton, it is apparent that no one of ordinary skill in the art of cotton gins would regard the screen as a "cleaner." See *In re Sneed*, 710 F.2d 1544, 1588, (Fed. Circuit. 1983) which requires a claim construction that would be made by a person of ordinary skill in the art. Consequently, the Examiner's construction is contrary to that of the skill of the art and contrary to law. It should be withdrawn even without the amendments.

Similarly, the rejection based upon the Struen reference is not applicable to the revised claims. As amended, the claims call for a

rotating cylinder for busting any compacted wads...dispersing the field cotton into individual bolls and thrusting them upon at least one inclined shelf to enhance drying, said dryer also having a circuitous route for transferring the cotton to a cleaner to enhance drying;

Either with or without the amendment, the Struen reference does not disclose all of the existing limitations as required by a rejection under 35 U.S.C. § 102. Rather than a "rotating cylinder for

busting any compacted wads and dispersing the field cotton into **individual bolls**,” Struen discloses only a screw conveyer 13 within a cylindrical chamber 14 for conveying the cotton, along with heated air for drying, down to an inclined cleaner. Such does not in any way meet the limitations of the claims in this case. Indeed, Struen fails to mention or make any note of these functions.

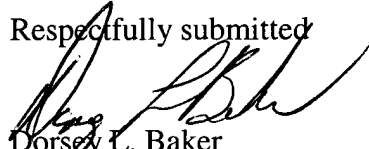
Finally, the rejection premised on 35 U.S.C. § 103 is not well founded. As noted earlier, the construction that the Sims reference has a “cleaner” is contrary to any rational interpretation of its fixed screen 21 and outlet pipe 20. Instead, the cleaner should be interpreted to include affirmative cleaning action rather than a mere screen that might catch some trash. However, as now amended, claim 7 calls for passing the seed cotton “through a series of cylinder cleaners to enhance the cleaning function of the cleaner.” Such is not taught or suggested by the prior art.

Significantly, the differences between the cited references dating back to the 1930’s are hardly relevant to the issues of today’s gin plants. Indeed, and as shown by the Cotton Ginners Handbook published by the USDA, no present system uses the cited prior art as dryer-cleaner system. Instead, and as reflected by the prior art of Figure 1, present gin plants separate the dryer from the cleaners by a conduit. Only the Applicant’s have had the wit and ingenuity to review the existing art, to propose a novel combination and to provide a substantially improved dryer-cleaner. And most significantly, none of the prior art, either alone or combined, teaches the design of Applicants’ invention. Indeed, the cited prior art has existed for over fifty years, and has been totally insufficient to assist anyone in arriving at the presently claimed inventions. Until applicant’s disclosure in this application, the dryer and cleaner design has gone in different and separate directions. Moreover, even assuming someone found a hint of a combined dryer-cleaner in the prior art, such would not result in the presently claimed design nor would it

provide the benefits of Applicants' inventions. For these reasons, this application should be passed to issue.

On belief, this amendment fully responds to all of the objections and rejections of the Official Action and demonstrates Applicants' right to a patent. If, however, the Examiner has suggestions as to form or content of the claims that would facilitate allowance without restricting the scope of the claims, a telephone call or other notice to that effect would be most appreciated.

Respectfully submitted


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CERTIFICATE OF EXPRESS MAILING

I hereby certify that the foregoing Amendment, Petition for Extension of Time, and Fee is being deposited with the United States Postal Service as Express Mail, Post Office to Addressee, Label No. EH810509228US in an express mail envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on December, 2001.


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